

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested. Claims 1 and 28 have been amended. Claims 5, 6, 13, 19 and 27 have been cancelled. Therefore, claims 1, 2, 21, 28 and 36 are presented for examination.

1. Summary of the Office Action

Claims 1, 2, 5, 6, 19, 21, and 28 are rejected under 35 U.S.C 103(a) as being unpatentable over DeBey (U.S. Patent No. 5,421,031) hereinafter “DeBey ‘031,” in view of Willard (U.S. Patent No. 6,738,972) hereinafter “Willard.”

Claims 13 is rejected under 35 U.S.C 103(a) as being unpatentable over DeBey ‘031 and Willard as applied to claim 1, and further in view of DeBey (U.S. Patent No. 6,519,693) hereinafter “DeBey ‘693.”

Claims 27 is rejected under 35 U.S.C 103(a) as being unpatentable over DeBey and Willard as applied to claim 1, and further in view of Aggarwal (U.S. Patent No. 5,751,336) hereinafter “Aggarwal..”

2. Response to § 103 Rejections

Claims 1 and 28 have been amended to recite “determine a minimum required bandwidth b_{tot} to transmit digital content comprising n segments, based on

$$b_{tot} = B \sum_{i=1}^n \frac{1}{d + i - 1}$$

, wherein B is a data rate of the digital content and d is a delay time” and “determining a schedule for transmission times of various segments of the digital content ... so as to not exceed the determined minimum required bandwidth.” The cited references, whether considered separately or in combination fails to disclose or suggest these features. Therefore, claims 1, its dependent claims and claim 28 are patentable in view of the cited references, whether considered separately or in combination.

3. **Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Elena Dreszer at (408) 720-8300.

Respectfully submitted,
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